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# 'Spy' agencies resist 'privacy' bill coverage

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The Central Intelligence Agency is making an 11th-hour effort to remain exempt from a "right to privacy" bill before the Senate now.

The bill, sponsored by Sen. Sam J. Ervin Jr. (D) of North Carolina, would protect federal employees from prying questionnaires and other means of invading a worker's private life.

But the CIA holds that its mission requires the "right to pry" by means of polygraph or "lie detector" tests in order to know the personal attitudes of its staff. It contends that the national security is often at stake.

The Ervin bill, which boasts 54 cosponsors, cleared the Senate Judiciary Committee unanimously Aug. 21. It was scheduled for floor debate Aug. 25 but withdrawn from the calendar following a unique CIA request.

Though the agency earlier spurned Senator Ervin's invitation to testify before his subcommittee, it now has asked to state its case before the full Judiciary Committee.

This poses an unusual dilemma for Sen. James O. Eastland (D) of Mississippi, its chairman. Senator Ervin has consented to the unprecedented request—but only if the CIA testifies in public. The agency follows a strict rule of speaking "off the record" and behind closed doors.

Thus Senator Eastland must decide whose wish to grant: the CIA's or a close Southern ally's. Senator Ervin holds two aces which could sway his chairman's thinking:

- A committee amendment already gives the directors of the CIA and the National Security Agency (its counterpart in the De-

fense Department) the authority to use polygraph tests in individual cases when they believe the national security demands it.

- The Federal Bureau of Investigation does not rely on such tests in hiring its

staff or overseeing its conduct. Nor does it regard them as foolproof in sifting truth from falsehood.

Behind the closed doors of the Judiciary Committee, Senator Ervin had opposed any moves to grant the CIA and NSA special "right to pry" privileges. The limited-testing amendment proposed by Sens. Birch Bayh (D) of Indiana and Edward M. Kennedy (D) of Massachusetts, gained a majority anyway.

## Agencies stay quiet

Despite this amendment, the agencies have sought a hearing in hope of recommitting the Ervin bill. In a letter to Judiciary Committee members dated Aug. 25 Senator Ervin fought back.

"These agencies are apparently lobbying for complete exemption on the Senate floor from all provisions of the bill, an action which I consider both unwise and unconstitutional," he wrote.

The Senator reminded his colleagues that FBI Director J. Edgar Hoover found the polygraph unreliable. Even if it were dependable, he said, questions relating to an applicant's family relationships, religious beliefs, and sexual attitudes do not belong in such a test.

"The basic premise of this bill," he noted, "is that a man who works for the federal government sells not his soul, but his services."

"The idea that a government agency is entitled to the 'total man' and to knowledge and control of all the details of his personal and community life is more appropriate for totalitarian countries than for a society of free men."

The security agencies decline official comment on their operation, including the use of polygraph tests without the proposed restrictions.

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